



Entered on Docket  
February 22, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

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Attorneys for Secured Creditor WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER  
TO WELLS FARGO BANK SOUTHWEST, N.A. FORMERLY KNOWN AS  
WACHOVIA MORTGAGE, FSB, FKA WORLD SAVINGS BANK, FSB

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

KENNETH J. HYRKA AND JUDITH ANN  
HYRKA,

Debtor(s).

Bankruptcy Case No. BK-S-09-21662-mkn  
Chapter 13

WELLS FARGO BANK, N.A.,  
SUCCESSOR BY MERGER TO WELLS  
FARGO BANK SOUTHWEST, N.A.  
FORMERLY KNOWN AS WACHOVIA  
MORTGAGE, FSB, FKA WORLD  
SAVINGS BANK, FSB'S ORDER  
TERMINATING AUTOMATIC STAY  
Date: December 23, 2009  
Time: 10:30 A.M.

1 A hearing on Secured Creditor Wells Fargo Bank, N.A., successor by merger to  
2 Wells Fargo Bank Southwest, N.A. formerly known as Wachovia Mortgage, FSB, fka World  
3 Savings Bank, FSB's Motion for Relief From the Automatic Stay came on regularly for hearing  
4 in the United States Bankruptcy Court before the Honorable Mike K. Nakagawa.

5 The court having duly considered the papers and pleadings on file herein and  
6 being fully advised thereon and finding cause therefor:

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

8 The automatic stay of 11 United States Code section 362 is hereby immediately  
9 terminated as it applies to the enforcement by Movant of all of its rights in the real property  
10 under the Note and Deed of Trust encumbering the real property commonly known as 10405  
11 Carmel Mountain Ave, Las Vegas, Nevada 89144-1219 ("Real Property"), which is legally  
12 described as:

13 SEE LEGAL DESCRIPTION ATTACHED  
14 HERETO AS EXHIBIT A AND MADE A PART  
15 HEREOF.

16  
17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may  
18 offer and provide Debtors with information re: a potential Forbearance Agreement, Loan  
19 Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and  
20 may enter into such agreement with Debtors. However, Movant may not enforce, or threaten to  
21 enforce, any personal liability against Debtors if Debtors' personal liability is discharged in this  
22 bankruptcy case.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon entry of  
24 this Order, the Trustee shall cease payment on Secured Creditor's Proof of Claim. Secured  
25 Creditor's Proof of Claim is allowed in the amount of payments made to date by the Trustee.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon  
27 disposition of the Real Property, Secured Creditor may amend said Proof of Claim and share in  
28 any distribution from the date of the filing of the amended Claim pursuant to the confirmed Plan.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee is  
2 not required to recover previous distributions from other creditors for distribution on Secured  
3 Creditor's amended claim. This may result in a percentage of payment on Secured Creditor's  
4 amended Claim different than to other creditors.

5 APPROVED/DISAPPROVED

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KATHLEEN A. LEAVITT  
8 TRUSTEE  
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**EXHIBIT 'A'**

File No.:

Property: **10405 Carmel Mountain Avenue, Las Vegas, NV 89144**

**PARCEL ONE (1):**

**LOT SEVENTY-FOUR (74) IN BLOCK "D" OF DISCOVERY HILLS UNIT 3, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 72 OF PLATS, PAGE 51 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.**

**PARCEL TWO (2):**

**A NON-EXCLUSIVE EASEMENT APPURTENANT TO PARCEL ONE (1) FOR USE AND ENJOYMENT IN AND TO THE ASSOCIATION PROPERTY COMMON ELEMENTS AND PRIVATE STREETS AS SET FORTH IN THE MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS AND EASEMENTS FOR SUMMERLIN COMMUNITY ASSOCIATION RECORDED SEPTEMBER 25, 1990 IN BOOK 900925 AS DOCUMENT NO. 01274, AND AS FURTHER SET FORTH IN THE DECLARATION OF DEVELOPMENT COVENANTS AND RESTRICTIONS BY WOODSIDE HOMES OF NEVADA, INC., RECORDED SEPTEMBER 20, 1995 IN BOOK 950920 AS DOCUMENT NO. 01296, AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED, ALL IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.**

**A.P.N. 137-25-518-027**

ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ Approved.

☐ Disapproved.

☒ Failed to respond. - Trustee

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Submitted by:

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